

REMARKS

Applicant recognizes with appreciation that Examiner has indicated that Claims 2, 3, 8, 11 – 16 and 17 would be allowable if rewritten in independent form and include all the limitations of the base claim and any intervening claims.

In this Amendment, Applicant has amended Claim 2 – 3, 5 – 6, 8 – 11, 18 – 21 and 25 – 26, and added new Claim 27. Claims 2, 8 and 11 have been amended to include all the limitations of the base claim and any intervening claims according to Examiner's suggestion. Claim 25 has been amended to overcome the rejection and specify embodiment of the present invention. Claims 3, 5 – 6, 9 – 11, 18 – 21 and 25 – 26 have been amended to correct certain clerical errors and informalities. Claim 27 has been added to specify different embodiments of the present invention. In addition, the specification has been amended to correct certain clerical errors. It is respectfully submitted that no new matter has been introduced by the amended claims and specification. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

PRIORITY:

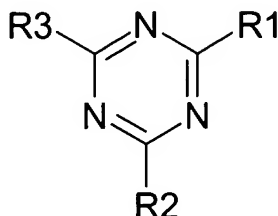
Applicant respectfully submits that a certified copy of the EP 02425455.9 application will be submitted in due course.

SPECIFICATION:

It is respectfully submitted that the specification has been amended to correct certain clerical errors. More specifically, "methyl vinyl ether copolymer and maleic anhydride" (page 8, lines 27-28) and a "methyl vinyl ether copolymer/maleic anhydride" (page 9, lines 5-6) have been amended to "copolymer of methyl vinyl ether and maleic anhydride". The error occurred due to a mistake in translation. The corrected phrase is

supported by the specification as originally filed, especially Claim 4, which refers to “a copolymer of methyl vinyl ether and maleic anhydride.”

In addition, a typographical error occurred in formula (A) on page 13 and in claim 11. The correct formula (A) is as follows:



(A)

The Examiner will appreciate that, in the original specification, the three substituents R₁, R₂, and R₃ were erroneously linked to the three nitrogen atoms of the triazine ring, respectively. In contrast, the correct links for R₁, R₂, and R₃ are with the three carbon atoms of the triazine ring, respectively. The typographical error in the original specification is self-evident. In the wrong formula, the nitrogen atoms have four valences, which is obviously error to a person of ordinary skill in the art. In the specification, on page 7, line 23 to 27, it indicates that the preferred triazine compound is a melamine resin. It is clear to a person of ordinary skill in the art that melamine is the 2,4,6-amino-1,3,5-triazine, which corresponds to the amended formula (A) when R₁, R₂, and R₃ are –NH₂. For Examiner’s reference, enclosed is an extract from Merck Index showing the molecular formula of melamine (See attachment Encl. 1).

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1, 4 – 7, 9 – 10 and 18 – 26 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Nakamura (EP 1,129,861 A1), hereinafter Nakamura. Claim 25 has been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Zheng et al. (US 5,985,514), hereinafter Zheng.

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited reference. More specifically, the image forming materials and planographic original plates disclosed by Nakamura are mere conventional materials and plates which require (after exposure) a development processing in an aqueous alkaline solution (i.e. development bath) to remove the portion of the sensitive layer which has been exposed (in case of positive-working material or plate) or not exposed (in case of negative-working material or plate) in order to give a negative or positive imaged working plate ready to accept the hydrophobic inks in the remaining lypophilic areas. For example, in section [0001], line 2, Nakamura refers to “the solubility of exposed portions”. This passage clearly teaches to a person of ordinary skill in the art that the soluble portions must be removed by means of a development bath. In addition, several further passages of the disclosure of Nakamura disclose or imply the requirement of a development processing after the heat exposure of the material and plate of Nakamura. The most significant passages are those from [0156] to [0167], and, in the Examples, at [0188], [0197], [0199], [0204], [0206].

In contrast, the embodiments of the present invention as claimed specifically indicates that the image is formed “without the removal of material” and without requiring “any developing treatment after the stage of exposure to heat” (see Claim 1 and page 5, line 9 to 11 of the specification). This feature sharply distinguishes the embodiment of the present invention over Nakamura.

For rejection to Claim 25, Claim 25 has been amended to include the feature that “said negative image is obtained by applying an energy equal to or lower than 250 mJoule/cm² to said composition.” The support for the amendment can be found throughout the specification. For example, the present specification specifies on page 7, line 9 to 10, that the wording “small quantity of energy” means an energy ≤ 250 mJoule/cm², while an energy ≥ 350 mJoule/cm² (like in Zheng) is considered to be a “high energy” (see present specification page 7, lines 7-8). It is respectfully submitted that the imaging member disclosed by Zheng is required to be exposed at exposure levels ranging from 550 to 1350 mJ/cm² (col. 15, lines 36-37). Such an exposure level is of

from 2.2 to 5.4 times higher than the maximum level required by the method of currently amended Claim 25 which is based on applying "an energy equal to or lower than 250 mJoule/cm²".

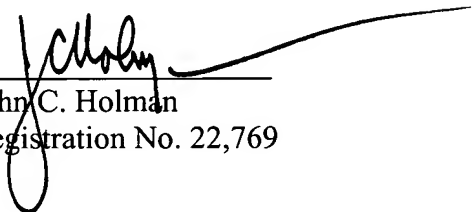
Therefore, the newly presented claims are not anticipated by Nakamura and Zheng, and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: December 2, 2004
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P68915US0

By 
John C. Holman
Registration No. 22,769

Encl. 1

THE MERCK INDEX

AN ENCYCLOPEDIA OF
CHEMICALS, DRUGS, AND BIOLOGICALS

TWELFTH EDITION

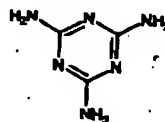
Susan Budavari, *Editor*
Maryadele J. O'Neil, *Senior Associate Editor*
Ann Smith, *Associate Editor*
Patricia E. Heckelman, *Assistant Editor*
Joanne F. Kinneary, *Assistant Editor*

Published by
Merck Research Laboratories
Division of
MERCK & CO., INC.
Whitehouse Station, NJ

1996

BEST AVAILABLE COPY

5853. Melamine. 1,3,5-Triazine-2,4,6-triamine; 2,4,6-triamino-*s*-triazine; cyanurotriamide. $C_3H_3N_3$; mol wt 126.12. C 28.57%, H 4.80%, N 66.63%. Usually prep'd by heating dicyandiamide. $H_2NC(=NH)NHC\equiv N$, under pressure: Mackay, U.S. pat. 2,737,513 (1956 to Am. Cyanamid). Alternate methods starting with urea: Mackay, U.S. pat. 2,760,961 (1956 to Am. Cyanamid); Pomeroy *et al.*, U.S. pat. 3,111,519 (1963 to Office Natl. Ind. de l'Azote). X-ray and neutron crystal structure: J. N. Varghese *et al.*, *Acta Crystallogr.* 33B, 2102 (1977). Review of mfg processes: Faith, Keyes & Clark's *Industrial Chemicals* P. A. Lowenheim, M. K. Moran, Eds. (Wiley-Interscience, New York, 4th ed., 1975) pp 519-523.



Monoclinic prisms. mp <250°. Sublimes. d_4^{25} 1.57. Slightly sol in water; very slightly sol in hot alc; insol in ether.

USE: Forms synthetic resins with formaldehyde.